



TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

JULY 15, 2015

MIDDLESEX, SS:

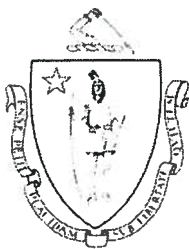
ON THE ABOVE DATE, I POSTED ATTESTED COPIES OF THE AMENDMENT TO THE TOWN GENERAL BYLAW, ARTICLE 28, WHICH PASSED AT THE ANNUAL TOWN MEETING THAT CONVENED ON APRIL 6, 2015. THE ARTICLE MENTIONED FOR THE TOWN GENERAL BYLAW, WAS APPROVED BY THE ATTORNEY GENERAL, MAURA HEALEY ON JULY 13, 2015 AND IS POSTED AT THE FOLLOWING PLACES IN THE TOWN OF ACTON:

NAGOG WOODS POST OFFICE, TOWN HALL, WEST ACTON POST OFFICE, CENTER POST OFFICE, PUBLIC SAFETY FACILITY, CENTER LIBRARY AND TOWN WEB PAGE.

CONSTABLE

CLAIMS OF INVALIDITY BY REASON OF ANY DEFECT IN THE PROCEDURE OF ADOPTION OR AMENDMENTS OF THESE BYLAWS MAY ONLY BE MADE WITHIN NINETY DAYS (90) PER CHAPTER 40, SECTION 32, OF THE GENERAL LAWS OF THE COMMONWEALTH.

EVA K. SZKARADEK
TOWN CLERK



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

July 13, 2015

Eva K. Szkaradek, Town Clerk
Town of Acton
472 Main Street
Acton, MA 01720

**Re: Acton Annual Town Meeting of April 6, 2015 - Case # 7501
Warrant Article # 28 (General)**

Dear Ms. Szkaradek:

Article 28 - We approve Article 28 from the Acton Annual Town Meeting of April 6, 2015.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Municipal Law Unit
Office of the Attorney General
Ten Mechanic Street, Suite 301
Worcester, MA 01608
508-792-7600

cc: Town Counsel Stephen D. Anderson



TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 6, 2015, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD APRIL 7, 2015

Article 28 * Amend Town Bylaws – Police Details
(Majority vote)

To see if the Town will vote to amend Chapter E of the General Bylaws by adding the following section E58:

E58. Police Details

1. **Requested Police Details.** Any person or entity performing any construction, operation, excavation, maintenance, repair, installation, restoration, utility work or other work within, over, under or along any public way, street, sidewalk, road shoulder or other public place within the Town shall first notify the Acton Police Department. Any person may request that police details be furnished by the Acton Police Department as the Chief of Police (or his or her designee) may determine to protect public health, safety and welfare during the performance of such work or for any other activity or event for which a police detail is requested. The person or entity requesting such police details shall pay the Acton Police Department at the prevailing rate for all such police details as are provided by the Acton Police Department pursuant to such a request. The Chief of Police (or his or her designee) may in his or her discretion determine that such police details are not required in the event the person or entity complies throughout such work with applicable provisions of the General Laws permitting the use of flagmen as an alternative to such police details.
2. **Required Police Details.** Upon receipt of a notice pursuant to the prior section, or on his or her own initiative, the Chief of Police (or his or her designee) shall have the authority to require police details where he or she determines that the passage or flow of vehicular or pedestrian traffic may be disrupted, or where the public safety, health and welfare may be otherwise affected, on any public way, street, sidewalk, road shoulder or other public place within the Town as a result of any construction, operation, excavation, maintenance, repair, installation, restoration, utility work or other work within, over, under or along said public way, street, sidewalk, road shoulder or other public place, except where police details are provided by the Massachusetts State Police for that work. The person or entity

performing such work shall pay the Acton Police Department at the prevailing rate for all such police details as are provided by the Acton Police Department.

3. Prohibited Work. No person or entity shall perform any construction, operation, excavation, maintenance, repair, installation, restoration, utility work or other work within, over, under or along said public way, street, sidewalk, road shoulder or other public place within the Town until the person or entity has complied with these bylaws.
4. Regulations. The Chief of Police shall adopt written criteria consistent with applicable law and with these bylaws concerning the process to be implemented, payments to be made for, and emergency exceptions (if any) to the procurement of such police details. The Chief of Police may require the posting of a bond or cash in advance of such work as reasonably necessary to secure payment for such police details.
5. Failure to Pay. Any such person or entity who fails to make payment for requested or required police details when due shall pay to the Town, in addition to the cost of the police details as set forth above, interest at the rate equivalent to that assessed for unpaid taxes pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 57, as said provisions may from time to time be amended, calculated from the date the police details are provided to the date on which the person or entity makes full payment for such police details as required hereunder.
6. Violations. Any such person or entity that violates any provision of this Section E58 shall be subject to a penalty of three hundred dollars (\$300.00) for each offense. Each day that such violation continues shall constitute a separate offense. The Chief of Police or his or her designee is hereby authorized to stop any work conducted in violation of any provision of Section E58.
7. Exemptions. The Town of Acton is exempt from the requirements of Section E58.

And further to see if the Town will amend Chapter E, Section E45, by adding the following provision after the provision entitled "Chapter E - Section E45 - Non-Criminal Disposition:"

Chapter E - Section E58 - Police Details - enforcing Persons – Regular Police Officer - Fine \$300.00, each offense.

, or take any other action relative thereto.

MOTION: Mr. Gowing moves that the Town adopt the General Bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY